IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION APPLICATION NO. 158 OF 2004

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri R.M. Patwardhan, Advocate for the applicant.
Shri S.J. Jichkar, APP for the respondent No.1.
Shri R.S. Kurekar, Advocate for the respondent Nos.2 to 4.

CORAM : B.R. GAVAI, J.
10TH AUGUST, 2006

By way of present revision, the applicant challenges the judgment and order of acquittal dated 4th August, 2004 by the learned II Ad hoc Assistant Sessions Judge in Sessions Trial No. 13/2001.

The prosecution case is that on 19.12.2000, the deceased Sushila committed suicide by jumping into well due to ill treatment meted out her by the respondent Nos.2 to 4.

Shri R.M. Patwardhan, the learned Counsel appearing on behalf of the applicant submits that the findings as recorded by the learned trial Court are perverse. He submits that the cruelty which has driven Sushila to commit suicide has been duly proved by the prosecution. He further submits that the learned trial Court has held that an accidental death appears to be

probable is also perverse and contrary to the spot panchnama.

Shri R.S. Kurekar, the learned Counsel appearing on behalf of the respondent Nos.2 to 4 supports the impugned judgment.

I have perused the judgment. The learned trial Court, upon appreciation of evidence, has found that the prosecution has utterly failed to prove the instances of alleged cruelty meted out to the deceased. The learned trial Court found that the evidence of prosecution witnesses regarding alleged demand was a stereo type evidence. The learned trial Court, therefore, did not believe the said evidence being that of the interested witnesses. The learned trial Court further found that except the allegations, no material has been placed on record to prove cruelty. One of the factors that was taken into consideration by the learned trial Court was that the marriage was solemnized 12 years back. The learned trial Court further found that though the incident has taken place on 19th December, 2000 i.e. the present applicant/complainant had lodged the complaint on 23rd January, 2000 i.e. after four days of the incident.

This is a revision against acquittal. The scope of the present revision cannot be wider than the scope of

appeal against acquittal. Unless the view is found to be perverse or impossible, this Court would not interfere with the findings of acquittal. Upon perusal of the judgment, the view taken by the learned trial Court cannot be said to be perverse or impossible. Hence rejected.

JUDGE

*rrg.